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April 28, 2014

Via E-Filing

Hon. Katharine S. Hayden, U.S.D.J.
United States District Court
District of New Jersey
M.L. King, Jr., Federal Building &
U.S. Courthouse
50 Walnut St.
Newark, New Jersey 07102

Hon. Mark Falk, U.S.M.J.
United States District Court
District of New Jersey
M.L. King, Jr., Federal Building &
U.S. Courthouse
50 Walnut St.
Newark, New Jersey 07102

Re: ***NXIVM v. Ross, et al***
Civil Action No.: 06-1051 (KSH)(MF)

Dear Judges Hayden and Falk:

I write to request that you refrain from signing the proposed Order dismissing the Ross counterclaim against Kristin Keeffe pending a conference to discuss the issues that remain with Ms. Keeffe. I have written counsel requesting their ability for such a conference on Tuesday, Wednesday or Thursday of this week and am awaiting responses. This of course would be contingent upon the availability on either or both of your parts.

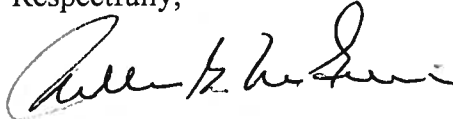
My concern is that once the Order is signed, you may lose jurisdiction over Ms. Keeffe who is in possession (or Mr. Skolnik is) of significant NXIVM materials many of which are privileged which should be returned to NXIVM.

Under ordinary circumstances, we would be seeking an Order To Show Cause to compel return of all NXIVM documents but as I am sure you appreciate, under the strange circumstances which presently exist, we have no information which would allow for service of same.

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Additionally, we may also find it necessary to depose Ms. Keefe whose whereabouts are presently unknown.

Respectfully,

A handwritten signature in black ink, appearing to read 'William B. McGuire', written in a cursive style.

William B. McGuire
FOR TOMPKINS, MCGUIRE, WACHENFELD & BARRY

cc: All Counsel (Via ECF)